

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

DEBRA T. BUNDY,)	
)	
Plaintiff,)	
)	Case No. 4:04cv00079
v.)	
)	ORDER
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

On December 16, 2004, the Court entered an order referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The Magistrate Judge filed his Report and Recommendation on August 8, 2005. After a careful review of the Magistrate's Report and Recommendation, the Defendant's objections, the Plaintiff's response, and relevant portions of the record, this Court **ADOPTS** the Magistrate's Report in its entirety. Accordingly, it is this day adjudged and ordered that the case be **REMANDED** to the Commissioner for further proceedings.

In addition, the Commissioner filed a Motion to Dismiss filed on July 28, 2005. The Magistrate Judge filed a Report and Recommendation on August 30, 2005 recommending that the Motion to Dismiss be denied. Because the case has been remanded, the Magistrate's Report and Recommendation on the Commissioner's Motion to Dismiss is likewise **ADOPTED** and the Commissioner's Motion is **DENIED** as moot.

The Clerk is directed to send a certified copy of this order to all counsel of record and to United States Magistrate Judge B. Waugh Crigler.

ENTERED this 23rd day of September, 2005.

s/Jackson L. Kiser

Senior United States District Judge